

RECEIVED
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

REC'D DEC -2 PM 4:47

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

UNITED STATES OF AMERICA,

X

X

Plaintiff,

X

X

v.

X

No. 3:12-cv-2039

X

(G.A.G.)

COMMONWEALTH OF PUERTO RICO, and
the PUERTO RICO POLICE DEPARTMENT,

X

X

Defendants;

X

X

JORGE DIAZ CASTRO,

X

X

as *AMICUS CURIAE*.

X

X

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

**MOTION FOR PRELIMINARY DECLARATORY AND INJUNCTIVE RELIEF,
*PENDENTE LITE***

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

1. I, Jorge Díaz Castro, proposed intervening defendant in the instant case, and Appellant in cases 13-2079 and 13-2306 at the Honourable First Circuit Court of Appeals, hereby move for preliminary declaratory and injunctive, according to the tenets set forth in FRCP 65, *pendente lite*, until such time as my appeal(s) is (are) resolved.

2. The Honourable District Court conditionally dismissed the instant case with a Judgment entered on the record on July 18th, 2013 (Docket No. 61). I filed a "Motion for Leave to Appeal Denial of Motion for Leave to Intervene *In Forma Pauperis*" on August 12th, 2013 (Docket No. 68), which was granted on August 13th, 2013 (Docket No. 69); and which was interpreted as a Notice of Appeal.

Continued...

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO
MOTION FOR PRELIMINARY DECLARATORY AND INJUNCTIVE RELIEF**

No. 3:12-cv-2039

Page No. 2.

3. Subsequently, U.S.C.A. case No. 13-2079 was generated on September 3rd, 2013 (Docket No. 73).

4. I formally filed a "Notice of Appeal" on October 7th, 2013 (Docket No. 76).

5. Subsequently, U.S.C.A. case No. 13-2306 was generated on October 21st, 2013 (Docket No. 80).

6. This motion is made on the grounds that: (a) my appeal will be considered favourably, upon its merits; (b) I, and numerous PRPD police officers, will suffer irreparable harm if the injunction is denied; (c) the effect upon plaintiff USDOJ and/or co-defendants Commonwealth of Puerto Rico and PRPD will be minimal, if the injunction is granted; and is greatly outweighed by the harm to be suffered by me, and numerous PRPD police officers, if the injunction is denied; (d) the injunction will serve the public interest; and (e) there is no other adequate remedy at law.

7. The specific relief being sought is to suspend the implementation of the Settlement Agreement (Docket No. 60), and naming a Technical Compliance Advisor (T.C.A.); *pendente lite*, until such time as my appeal(s) is (are) resolved.

8. Because granting this preliminary injunction will incur no expenses for either plaintiff USDOJ and/or co-defendants Commonwealth of Puerto Rico and the PRPD, no bond should be required, as specified in FRCP 65.

9. This motion is based upon the accompanying "Memorandum of Law" in support thereof.

Continued...

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO
MOTION FOR PRELIMINARY DECLARATORY AND INJUNCTIVE RELIEF
No. 3:12-cv-2039
Page No. 3.**

10. A proposed Order accompanies the instant motion, as specified in Local Rule No. 65.

WHEREFORE, proposed intervening defendant Jorge Díaz Castro, as a concerned lobbyist for the PRPD; and as Appellant in U.S.C.A. cases No. 13-2079 and 13-2306; respectfully requests that the Honourable Court approve the proposed Order which accompanies the instant motion; and such other declaratory and injunctive relief as it may consider appropriate.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, on December 2nd, 2013.


Jorge Diaz Castro
PRO SE
P.O. Box #9021288
San Juan, P.R. 00902-1288
Email: transcripciones@mail.com